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NATIONAL ADVISORY COMMITTEE ON VIOLENCE AGAINST WOMEN

RESPONSE TO THE CHARGE

Preface/Introduction

This document responds to the charge given to the National Advisory Committee on Violence Against Women. It provides many recommendations for the Department of Justice (“DOJ”) and the Department of Health and Human Services (“DHHS”) regarding policies and practices for ending sexual and domestic violence against women. This is neither an exhaustive nor a comprehensive list.

Furthermore, the National Advisory Committee supports the reauthorization of the Violence Against Women Act in 2005 to the extent that it embodies the spirit and emphasis of this response to the charge.

Readers are cautioned to consider carefully the applicability of any practice or policy for their community. It should not be assumed that all protocols or practices are appropriate for all communities nor appropriate at every stage of a state’s or local community’s efforts to address violence against women. Communities are encouraged to assess their prevention and intervention policies, practices, and competencies before adopting a new component, thereby ensuring that an adequate infrastructure exists to support the success of the initiative.

Communities that have had demonstrable success reducing domestic homicide, rape, and sexual and domestic abuse have many factors in common, including strong advocacy for victims and the existence of comprehensive approaches to domestic and sexual violence.

Strong advocacy for adult victims and their children is both the context in which these comprehensive approaches have been developed and a fundamental strategy. It serves as an invaluable check on our zeal to eradicate sexual and domestic violence against women. While safety is the paramount goal, the dignity of the victim should be given consideration. Victim-centered advocacy provides some assurance that system practices are empowering, not re-victimizing and traumatizing to domestic and sexual violence victims.

For example, vertical prosecution models (where the same prosecutor handles the case from beginning to end), are strongly encouraged and nationally accepted as a best practice for addressing domestic violence. Successful vertical prosecution of domestic violence crimes should be measured by the experience of the victim throughout the process, not simply by the conviction rates. Through prosecutorial procedures, the voices of victims can and should be heard in courtrooms, particularly in decisions concerning bail, continuances, plea bargains, dismissals, and sentences. To that end, prosecutors can identify and work collaboratively with victim witness advocates and victim service agency advocates.

Prosecution practices supported by a thorough knowledge of sexual violence, domestic violence and stalking, thorough law enforcement involvement, and strong victim advocacy have been shown to reduce victim recantation, increase victim safety and involvement, and increase perpetrator guilty pleas and waivers of jury trials. However, an imprudently selected practice or protocol can cause additional harm to the victim, rather than prevent it. For example, formation of a Sexual Assault Response Team, comprised of representatives from law enforcement, prosecution, victim services, and forensic nurse examiners, is strongly encouraged and nationally accepted as a best practice for addressing sexual violence. Before implementing such a policy, the community must assess its resources to determine if personnel can support such a focused approach at each stage of the investigation and prosecution. If the resources are not available, the project may fail, and the victim could be left with nowhere to turn. Another example of a successful protocol for addressing domestic violence is evidence-based prosecution.

Without strong investigation, thorough police reports, properly collected physical evidence when possible, and adequate advocacy and support for the victims, the prosecutor is left to rely entirely on the victim for building the case. Informed domestic and sexual violence prosecution ameliorates trauma to victims and their children and sends consistent messages to perpetrators. The cumulative outcome is a reduction in sexual and domestic violence against women.

Despite this report's heavy emphasis on legal system involvement, the Committee is aware that the justice and health care systems will not and cannot end sexual and

domestic violence against women. That being said, the criminal justice system's role in saving lives and restoring power to victims and communities continues to be critical. For perpetrators of domestic violence, the criminal justice system is often the starting point for intervention and accountability. Many judges, attorneys, corrections, and law enforcement officers have committed their careers to transforming the criminal justice system in their communities and states and to protecting victims. Sometimes, however, contact with these systems results in re-victimization and unintended aid to the perpetrator.

A full campaign to eradicate sexual and domestic violence against women requires the will of communities to eliminate the many social factors that cause and contribute to such violence. It requires involving a broad and rich array of national, state, tribal and local organizations, agencies, and systems. Health care systems, businesses, schools, social and fraternal organizations, social services agencies, media, the entertainment and sports industry, faith communities, and government have important roles to play. The Committee has tried to include these communities of influence throughout this report. The Committee's recommendations for policy, practice, and involvement are meant to inspire action and commitment.

How We Did Our Work

On November 2, 2001, the U.S. Attorney General and the U.S. Secretary for Health and Human Services issued the charter for the National Advisory Committee on Violence Against Women (“NAC” or “the Committee”). The NAC was asked to provide “practical and general policy advice concerning the implementation of the Violence Against Women Act, the Violence Against Women Act of 2000, and related legislation, and to assist in the efforts of the Department of Justice (“DOJ”) and the Department of Health and Human Services (“DHHS”) to combat violence against women, especially domestic violence, sexual assault, and stalking.”¹

The NAC had its inaugural meeting on October 29, 2002. At that meeting in Washington, D.C., the NAC participated in the Justice Department’s First Annual Symposium on Domestic Violence, and heard remarks from U.S. Attorney General John Ashcroft, DHHS Deputy Secretary Claude Allen, Assistant Attorney General Deborah Daniels, and the Director of the Office on Violence Against Women Diane Stuart.²

The second NAC meeting took place on February 20-21, 2003, in Dallas, Texas. At this meeting, the Committee heard presentations from a number of DOJ and DHHS officials about how their agencies currently address violence against women. The Committee also heard from representatives of the previous NAC, and discussed the guidance developed by the last NAC, the Toolkit to End Violence Against Women, available at <http://toolkit.ncjrs.org/>. The current Committee worked with a cognizance of this tremendous resource developed by the last NAC.

Also in Dallas, the NAC received its official charge (reproduced below). The Committee met in three subcommittees: Criminal Justice, Community Education, and Prevention. These subcommittees met to discuss answering the questions in the charge with public policy recommendations. Various Committee members underscored their desire to develop a proposal that will have practical impact nationally. The subcommittees recommended that the NAC adopt a proposal creating a federal

¹ Charter for the Advisory Committee on Violence Against Women.

² Copies of these addresses may be found at the U.S. Department of Justice’s Violence Against Women Office webpage, at <http://www.ojp.usdoj.gov/vawo/nac/welcome.html>

government-based, national initiative that would refocus the nation's consciousness on the issues of domestic violence, sexual assault, and stalking ("DV/SA/S").

In Dallas, the Community Education and Prevention Subcommittees recommended that the Committee develop nine working groups defined around communities of influence. These working groups would develop specific recommendations to implement the message conveyed through the national initiative. The following list of communities of influence was offered: (1) Business; (2) Education; (3) Faith-Based; (4) Judicial; (5) Law Enforcement; (6) Local/State Government; (7) Media; (8) Mental and Physical Health; and (9) Sports/Entertainment. The Advocacy movement was identified as a central influence on all of the communities of influence.

The third NAC meeting took place in Washington, D.C., at the United States DHHS on April 24-25, 2003. The Committee heard presentations from various components of DHHS, which handle women's health issues. Also, each of the subcommittees and/or communities of influence met to work on developing policy recommendations on their respective topics.

In the summer and fall of 2003, the individual subcommittees met to continue their work. These subcommittee meetings took place at locations that aided their work. For example, the Criminal Justice Subcommittee met in San Diego, California, on August 28-29, 2003, and in addition to formulating policy recommendations in a variety of areas, had the opportunity to tour the San Diego Family Justice Center. On July 16-17, 2003, the Prevention Subcommittee gathered in Washington D.C. and the Community Education Subcommittee met in Tampa, Florida on July 10, 2003, also to formulate policy recommendations and discuss best practices.

In October 2003, the work of the NAC was joined with an exciting and noteworthy event. The NAC met in Washington D.C. on October 8-9, and received reports from its various subcommittees. Committee members shared their thoughts and recommendations on each other's proposals.

Also, on October 8th, the NAC and others visited the White House for an event in the East Room at which President Bush recognized October as Domestic Violence Awareness month. The President announced the creation of the President's Family Justice Center Initiative by the DOJ in coordination with other agencies to help local

communities provide comprehensive services under one roof to victims of domestic violence. The President also announced the creation of the Safe and Bright Futures for Children Initiative from the DHHS, which will provide grants to community and faith-based organizations to bring together services helping children who witness domestic violence to prevent the cycle of violence from continuing from one generation to the next. Finally, the President announced that the Stop Family Violence postage stamp went on sale across the country, which will raise money for domestic violence prevention efforts. This is only the third time in U.S. Postal Service history that it has issued a fundraising stamp. The President's proclamation can be found at <http://www.whitehouse.gov/news/releases/2003/10/20031008-6.html> and his remarks can be found at <http://www.whitehouse.gov/news/releases/2003/10/20031008-5.html>.



